

law. We think a license for venders of medicines, etc., should not exceed \$100.00 per annum in each county and that the same should be payable to the road and bridge fund of the county where the business is transacted.

D. C. GEORGE,
And 160 other citizens of Collin county.

TWENTY-SEVENTH DAY.

Senate Chamber,
Austin, Texas,
Wednesday, February 17, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum present, the following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Harper.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Perkins, the same was dispensed with.

EXCUSED.

On important business:

Senator Thomas for Monday and Tuesday, on motion of Senator Cofer.

JOURNAL CORRECTION.

The Chair (Lieutenant Governor Davidson) on yesterday authorized the appointment of Senator Holsey as an addition to the Committee on State Affairs. The appointment being made without knowledge by the Chair of what was pending before the committee at that time, the same is hereby withdrawn.

BILLS AND RESOLUTIONS.

By Senator Kellie:

Senate bill No. 227, A bill to be entitled "An Act to prohibit the making of political speeches and the discussion of political matters in all public houses of worship commonly called churches; declaring the same to be an offense; fixing a punishment for the violation thereof, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Terrell of McLennan:

Senate bill No. 228, A bill to be entitled "An Act to authorize the commissioners court of the several counties in Texas to refund to holders of unexpired liquor dealers' license and occupation tax receipts revoked by the enactment of Chapter 138 of the General Laws of the Thirtieth Legislature, entitled 'An Act to regulate the sale and disposition of spirituous, vinous and malt liquors,' etc., and to declare valid orders heretofore made by commissioners court for the refunding of such amounts, and also declaring valid and binding on such counties payments already made out of the county treasury of such amounts on account of the refunding of the unexpired portion of such license and tax receipt."

Read first time, and referred to Finance Committee.

By Senator Kellie:

Senate bill No. 229, A bill to be entitled "An Act to regulate the running of street cars, to provide for good comfortable vestibules for the protection of motormen; to provide for running a closed car at certain time of the year; to provide for the use of only such cars as have an aisle through the center; to provide for the use of air brakes on all cars weighing ten tons or more; to make the violation of the provisions of this act an offense, and to fix a penalty therefor, and to repeal all laws in conflict therewith."

Read first time, and referred to Committee on Internal Improvements.

By Senator Ward:

Senate bill No. 230, A bill to be entitled "An Act providing that with the exception of foreign corporations which may be required or whose agents within this State may be required to procure from the Commissioner of Insurance and Banking a certificate of authority to do business within this State, any foreign corporation, as a condition precedent to

doing within this State any business whatsoever, except interstate business, or to establish within this State a general or special office, shall obtain from the Secretary of State a permit to do business within this State; forbidding the issuance of such permit to certain enumerated classes of corporations; prescribing the manner of obtaining such permit, and fixing the duration thereof; prescribing and defining the rights, powers, privileges and duties of corporations obtaining such permit; providing for the surrender of such permit; denying to corporations embraced by this act the right to maintain any suit or action in any of the courts of this State upon any demand, whether arising out of contract or tort, unless at the time such contract was made or tort committed, such corporation had obtained such permit; providing that violation of any law of this State by any corporation having a permit under this act shall be deemed and held to be a violation of the conditions upon which such permit was issued, and of the provisions of this act, and shall be grounds for judicial forfeiture of such permit; providing penalties and punishment for violations of provisions of this act and for the enforcement of such penalties and punishments; providing procedure in such cases; fixing venue of civil suits for enforcement of the provisions of this act; prescribing rules of evidence relating to such permit or certified copies thereof; repealing Chapter 17 of Title 21 of the Revised Statutes and Chapter 78 of the General Laws of the Regular Session of the Twenty-first Legislature of Texas, and Chapter 119 of the General Laws of the Regular Session of the Twenty-fourth Legislature of Texas and any and all laws, and parts of laws in conflict with any of the provisions of this act, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Cofer:

Senate bill No. 231, A bill to be entitled "An Act to amend Article 5065 of Title 104, Chapter 2, of the Revised Civil Statutes of the State of Texas, as amended by Chapter 129 of the General Laws of the State of Texas, passed by the Thirtieth Legislature at its Regular Session in 1907, so as to define, exempt and regulate the exemption of endowment funds of educational institutions and other property from taxation, and declaring an emergency."

Read first time, and referred to Finance Committee.

By Senator Weinert:

Senate bill No. 232, A bill to be entitled "An Act prohibiting ginners or other persons from knowingly mixing dirt, sand, rocks, nails, motes or other foreign matter, with cotton seed, and providing a penalty therefor."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Stokes:

Senate bill No. 233, A bill to be entitled "An Act to require insurance companies other than life insurance companies before they shall receive a certificate of authority to transact business in this State, and requiring all persons, firms or associations before they shall issue or authorize the issuance of any policies of insurance to citizens of this State to file with the Commissioner of Insurance and Banking a bond or to deposit securities to secure the payment of all lawful obligations under such policies to citizens of this State and providing penalties for violations of some of the provisions of this act."

Read first time, and referred to Judiciary Committee No. 2.

By Senators Holsey and Terrell of Bowie:

Senate bill No. 234, A bill to be entitled "An Act to amend Sections 24 and 32 of Chapter 164 of the Acts of the Twenty-ninth Legislature, approved May 1, 1905, by providing for the deposit in county depository of all moneys belonging to counties by officers in charge thereof, and for the exemption of said officers from any loss caused by the failure or negligence of such depositories."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Watson:

Senate bill No. 235, A bill to be entitled "An Act to amend Chapter 80 of the Special Laws of the Thirtieth Legislature of the State of Texas, approved April 15, 1907, and to create a more efficient road law for Lee county, Texas."

Read first time, and referred to Committee on Roads, Bridges and Ferries.

By Senator Ward:

Senate bill No. 236, A bill to be entitled "An Act to amend Articles 3507 and 3515 of Title 73 of the Revised Civil Statutes of the State of Texas, pertaining to notaries public."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Peeler:

Senate bill No. 237, A bill to be entitled "An Act to amend Section 26 of Article 22 of Title 4 of the Revised Civil Statutes of Texas, and to change and prescribe the time for holding district court in the Twenty-sixth Judicial District of the State of Texas, and to define the jurisdiction thereof, and to provide for the venue and transfer of causes in the Twenty-sixth and Fifty-third district courts, and to provide for a clerk of the district court of the Twenty-sixth and Fifty-third Judicial Districts in and for Travis county, and to conform all writs, process, bonds, recognizances and drawing of petit and grand juries of such courts to the change made, and providing for the drawing of grand juries in the Twenty-sixth and Fifty-third Judicial Districts, and to repeal all laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Committee on Judicial Districts.

By Senators Meachum, Watson, Alexander and Terrell of Bowie:

Senate bill No. 238, A bill to be entitled "An Act to authorize the commissioners court of the several counties in Texas to create and establish improvement districts to prevent overflows, and to construct and maintain levees and other improvements on rivers, creeks and streams, and to prevent overflows, to order and hold elections for the purpose of voting on the establishment of district and authorizing the issuance of bonds to pay for such improvements and the maintenance thereof, and the levying and collection of taxes to pay for such bonds and interests thereon, to appoint commissioners and all other necessary officers of such improvement districts for the purpose of carrying into effect the provisions of this act; defining their powers and duties; granting the right of eminent domain to such improvement districts and authorizing the improvement commissioners to acquire by purchase, gift or grant for such districts title to any right of way and other property, and such levees or other improvements as may have been therein previously constructed or made in such districts and authorizing such commissioners to sell any property acquired by said district under the provisions of this act or otherwise, and generally authorizing the commissioners court and improvement commissioners to do all

things necessary for the establishment and maintenance of such districts and the construction and maintenance of said levees and other improvements, according to the provisions of this act, and making it a penal offense for any person to wilfully prevent the improvement district officers from entering upon such person's land for the purpose of carrying out the provisions of this act, and providing a penalty therefor, and creating other offenses and providing penalties therefor under this act, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Murray:

Senate Concurrent Resolution No. 8, Inviting Hon. John A. Fox to address a joint session of the Thirty-first Legislature.

Morning call concluded.

REPORT OF COMMITTEE OF THE WHOLE SENATE.

Senator Sturgeon here presented to the Senate the report on part of the committee of the investigation of certain charges, as follows:

Austin, Texas, February 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your committee appointed to conduct the investigation of certain statements and charges made by Senator H. Bascom Thomas in an interview given out by him to the press, reflecting upon the Senate, beg leave to report that we have performed that duty, and herewith transmit to the Senate a report of said investigation with a statement signed by Senator H. Bascom Thomas retracting certain statements and charges herein referred to, and we recommend that the Senate accept same, and we further recommend that all that testimony herewith transmitted, the same being all of the testimony taken on the investigation of said statements and charges, together with said statement signed by Senator H. Bascom Thomas, be made a part of the record and incorporated in the Journal of the Senate of February 10.

We also recommend that upon the acceptance of this report that there be no further action taken now upon the matters herein investigated.

We further recommend that an extra two thousand copies of this Journal be printed.

STURGEON,
GREER,
VEALE,
Committee.

Senator Sturgeon moved that the report be adopted.

The motion to adopt the committee report prevailed by the following vote:

Yeas—26.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Hayter.	Stokes.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Murray.	Willacy.

Present—Not Voting.

Greer. Veale.
Sturgeon.

Absent.

Harper. Meachum.

(Note.—See Journal of February 10 for the stenographic report of above committee.)

Here Senator Brachfield made the following motion:

That the committee be instructed to report to the Senate tomorrow, after morning call, what proceedings shall be adopted as to the further investigation of the charges made by the Senator from Hopkins as to specific violations of the anti-lobby law.

Senator Terrell of Bowie offered an amendment to the above motion, and pending discussion on both motions, Senator Peeler offered a substitute for the motion and the amendment.

Pending further discussion, however, the substitute for and the amendment to the motion were withdrawn. The withdrawing of the amendment and substitute carried with it, also, the points of order and rulings on same.

The motion by Senator Brachfield was adopted by the following vote:

Yeas—29.

Adams.	Bryan.
Alexander.	Cofer.
Brachfield.	Greer.

Hayter.	Senter.
Holsey.	Stokes.
Hudspeth.	Sturgeon.
Hume.	Terrell of Bowie.
Kellie.	Terrell of McLennan.
Masterson.	Thomas.
Mayfield.	Veale.
Murray.	Ward.
Paulus.	Watson.
Peeler.	Weinert.
Perkins.	Willacy.
Real.	

Absent.

Harper. Meachum.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, February 17, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee report on Senate bill No. 89 by the following vote: Yeas 115, nays 0.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

SENATE BILL NO. 156.

The Chair laid before the Senate, on second reading and as unfinished business,

Senate bill No. 156, A bill to be entitled "An Act to provide for the establishment and maintenance of an agricultural experiment station to be located in the Twenty-eighth Senatorial District, composed of Bosque, Coryell, Hamilton and Bell counties, and making the necessary appropriation therefor."

The question on the bill was the pending substitute for the bill by Senator Holsey. (See Journal of February 12, for the substitute.)

Senator Mayfield moved to table the substitute.

(Senator Brachfield in the chair.)

The motion to table prevailed by the following vote:

Yeas—16.

Cofer.	Perkins.
Hudspeth.	Real.
Hume.	Stokes.
Kellie.	Sturgeon.
Masterson.	Terrell of Bowie.
Mayfield.	Thomas.
Paulus.	Watson.
Peeler.	Willacy.

Nays—13.

Adams.	Murray.
Alexander.	Senter.
Brachfield.	Terrell of McLennan.
Bryan.	Veale.
Greer.	Ward.
Hayter.	Weinert.
Holsey.	

Absent.

Harper.	Meachum.
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Senator Veale offered the following substitute for the bill:

A BILL

To be entitled

An Act providing for the establishment of experimental stations for the purpose of conducting experiments in agriculture, horticulture, forestry and for the purpose of making of experiments of our live stock interests of this State.

Be it enacted by the Legislature of the State of Texas:

Section 1. That as soon as possible after the taking effect of this act, the Board of Directors of the Agricultural and Mechanical College are directed and empowered to immediately locate and establish additional experimental stations for the carrying on of experiments in agriculture, horticulture and forestry, and also to establish feed stations for the purpose of making experiments in the feeding and fattening of live stock, and thus make experiments with the food product of this State, and to issue bulletins of the results obtained from these feed lots to the cattlemen of Texas, said stations to be established as long as the board may see proper.

Sec. 2. Said experiment stations shall be conducted and operated under the direction and supervision of the Board of Directors of the Agricultural and Mechanical College in the same manner as other experimental stations are conducted.

Sec. 3. To pay the expense of the Board of Directors in locating said experimental stations and to pay the purchase or lease of necessary land and erecting improvements thereon to carry out the purposes of this act, there is hereby appropriated out of the State Treasury the sum of \$50,000, or as much thereof as may be necessary.

BRYAN,
VEALE.

Pending.

Senator Terrell of McLennan moved that the further consideration of this bill be postponed until tomorrow morning after the morning call.
The motion prevailed.

SENATE BILL NO. 19.

The Chair laid before the Senate, on second reading and as special order,

Senate bill No. 19, A bill to be entitled "An Act to provide for the location and establishment of a factory for the manufacture of cotton bagging, cotton sacks and cotton twine by a board of management of the State penitentiary for the employment of managing experts and of certain State convicts in the operation of said factory, and to make an appropriation therefor."

The committee report, with amendments, and that it be not printed, was adopted, on motion of Senator Bryan.

Bill read second time, and ordered engrossed.

On motion of Senator Bryan, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—30.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Harper.

The bill was read third time, and passed by the following vote:

Yeas—30.

Adams.	Hudspeth.
Alexander.	Hume.
Brachfield.	Kellie.
Bryan.	Masterson.
Cofer.	Mayfield.
Greer.	Meachum.
Hayter.	Murray.
Holsey.	Paulus.

Peeler.	Terrell of McLennan.
Perkins.	Thomas.
Real.	Veale.
Senter.	Ward.
Stokes.	Watson.
Sturgeon.	Weinert.
Terrell of Bowie.	Willacy.

Absent.

Harper.

Senator Bryan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 276.

The Chair laid before the Senate, on second reading, as unfinished business,

House bill No. 276, A bill to be entitled "An Act to amend Subdivision 23, Article 5049, Chapter 1, Title 104 of the Revised Statutes of Texas, regulating the general occupation tax as amended by act of the Twenty-fifth Legislature, said amendment being Chapter 18 of the Acts of the Special Session of the Twenty-fifth Legislature, convened at the city of Austin, May 22, 1897, and adjourned June 20, 1897, being shown at page 49 of the General Laws of said Special Session."

(Lieutenant Governor Davidson in the chair.)

The bill was read second time, and passed to third reading.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, February 17, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 116, A bill to be entitled "An Act to repeal Article 1436, Chapter 20 of the Revised Civil Statutes of the State of Texas."

House bill No. 5, A bill to be entitled "An Act to establish the West Texas State Normal College, and providing that the State Board of Education shall control same, and making an appropriation therefor."

House bill No. 27, A bill to be entitled "An Act to regulate the presentation and collection of claims for personal services or for labor rendered, or for material furnished, or for overcharges in freight or express, or for stock

killed or injured by any person or corporation, against any person or corporation doing business in this State, and providing for a reasonable amount of attorney's fees to be recovered as costs in cases where the amount of such claims shall not exceed \$200, and declaring an emergency."

House bill No. 133, A bill to be entitled "An Act to amend Title 27, Chapter 12, Article 991 of the Revised Civil Statutes of Texas, 1895, and declaring an emergency."

House bill No. 124, A bill to be entitled "An Act to amend Section 2 of Chapter 124 of the Acts of the Twenty-ninth Legislature, relating to investments of the State permanent school fund."

House bill No. 142, A bill to be entitled "An Act to create the Texas Library and Historical Commission, setting forth the purposes of the said Library and Historical Commission, defining its powers and duties, repealing Article 2805 of the Revised Civil Statutes of the State of Texas, amending Article 2806 and in general repealing all laws and parts of laws in conflict with this act," with engrossed rider.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

SENATE BILL NO. 41.

The Chair laid before the Senate, on second reading and special order,

Senate bill No. 41, A bill to be entitled "An Act to amend Article 1194 of Chapter 4 of Title 30 of the Revised Civil Statutes of the State of Texas, and providing for an emergency."

The question on the bill was on the amendment by Senator Terrell of Bowie (see yesterday's Journal for amendment).

Pending discussion on the bill, Senator Terrell of Bowie moved that the further consideration of the bill be postponed until Tuesday morning at the conclusion of the morning call.

The motion prevailed.

THIRD HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, February 17, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 146, A bill to be entitled "An Act to amend Section 21 of an act entitled 'An Act providing for the health and safety of persons in and around mines, and for creating a State Mining Board, and for the office of State Mining Inspector, and defining the duties of such inspector,' passed by the Thirtieth Legislature of the State of Texas, and approved April 30, 1907, by providing that the salary of the State Mining Inspector shall be \$2000 per year, and that his traveling expenses shall not in any one year exceed the sum of \$1000," with engrossed rider.

Respectfully,
BOB BARKER,
Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after their captions had been read, the following House bills (see House messages for captions of):

House bill No. 116, referred to Judiciary Committee No. 1.

House bill No. 5, referred to Committee on Educational Affairs.

House bill No. 27, referred to Judiciary Committee No. 1.

House bill No. 133, referred to Judiciary Committee No. 1.

House bill No. 124, referred to Committee on State Affairs.

House bill No. 142, referred to Committee on State Affairs.

House bill No. 146, referred to Committee on Mining and Irrigation.

SENATE BILL NO. 146.

The Chair laid before the Senate, on second reading,

Senate bill No. 146, A bill to be entitled "An Act to establish and create in each of the cities of this State having a population of 25,000 inhabitants, a State court, to be known as the corporation court in such city, and to prescribe the jurisdiction and organization thereof, and providing for the custody and care of prisoners doing punishment under judgments from said court."

Pending.

BILLS SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate,

after their captions had been read, the following bills:

Substitute Senate bill No. 43, "An Act to authorize the formation, creation and establishment of navigation districts to improve rivers, bays, creeks and streams, to construct and maintain canals and waterways to permit of navigation or in aid thereof by the commissioners courts of the several counties in this State or by navigation boards; to provide for the creation and organization of navigation boards where a city or cities, or parts thereof, acting under the limits and boundaries of said navigation districts, and defining the powers of such navigation boards; authorizing the ordering and holding of elections for the purpose of voting on the establishment of such districts, and authorizing the issuance of bonds and levy of tax, and the issuance of bonds in payment of such bonds and interest and sinking fund thereon; the appointment of navigation and canal commissioners of such navigation districts for the purpose of carrying into effect the provisions of this act; granting the right of eminent domain to such navigation districts or navigation and canal commissioners, and authorizing the navigation and canal commissioners to acquire by purchase, gift or grant for such district title to any right of way and other property; authorizing the navigation and canal commissioners to employ engineers, assistant engineers and other employees, and to employ counsel; to enter into contracts for such improvements; to agree or co-operate with the government of the United States, the proper department or officer thereof for the carrying out of such improvements or the supervision of the same, and for all things necessary for the maintenance of such districts according to the provisions of this act; and providing for entering upon lands for surveys, and for all the purposes of this act, and prescribing penalties for violations of this act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Senate bill No. 89, "An Act amending Sections Nos. 2, 11, 12, 13, 16, 17, 22, 23, 29, 30, 35, 41 and 44 of Chapter 40 of the General Laws of the State of Texas passed at the Regular Session of the Thirtieth Legislature of Texas relating to the organization of drainage districts, the construction and maintenance of drainage improvements authorizing the issuance of bonds, levy and

collection of taxes in payment therefor, etc."

ADJOURNMENT.

On motion of Senator Hayter, the Senate, at 1:40 o'clock p. m., adjourned until tomorrow morning at 10 o'clock.

APPENDIX.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, February 16, 1909.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Public Health, to whom was referred

Senate bill No. 9, A bill to be entitled "An Act to regulate the itinerant vending of medicines, nostrums and appliances for the treatment of disease, injury or deformity, and to provide for the licensing of vending of the same, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do not pass, but that the following committee substitute bill, in lieu thereof, do pass:

A BILL

To be entitled

An Act to regulate the sale of drugs, medicines, appliances and devices for the treatment of disease, injury or deformity by peddlers or other itinerant venders, and providing for the issuance of permits therefor, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That from and after the passage of this act it shall be unlawful for any person, firm or corporation, either as principal or as agent, to sell or offer for sale by peddling or by canvassing from house to house, or by any other method, or means of itinerant vending, or to sell or offer for sale, by public outcry, or upon any public street or highway, any drug, or medicines, or preparation thereof, or any appliance, apparatus or device for the mitigation or cure of any disease, injury or deformity, either of man or animal, without first having obtained from the State Dairy and Food Commissioner of the State of Texas a permit for so doing,

and paying the occupation tax now imposed upon such occupations by the laws of this State; providing, the issuance of one such permit to such person, firm or corporation shall be sufficient authority for such person, firm or corporation, or the agent (or agents) thereof to sell and offer for sale the drugs, medicines and other articles named, in any county within the State; provided, all other provisions of this act are complied with by them.

Sec. 2. Any person, firm or corporation desiring to engage, either as principal or through an agent or agents, in the business of selling and offering for sale any of the drugs or medicines or other articles named in Section 1 of this act, and by the means and methods therein described, shall first apply to the State Dairy and Food Commissioner for a permit for so doing. Such application shall be in writing, in such form as may be prescribed by the State Dairy and Food Commissioner, and shall particularly describe the drug or medicine, or preparation thereof, the apparatus, appliance or device desired to be sold and offered for sale, and such application shall be accompanied by a fee of \$100, which shall be paid into the general fund of the State of Texas by the State Dairy and Food Commissioner, and shall also be accompanied by true and accurate samples of the drugs or medicines or other articles so desired to be sold and offered for sale.

Sec. 3. Upon receipt of such application, fee and samples, as provided for in the foregoing section, the State Dairy and Food Commissioner shall proceed to make careful and accurate analysis and examinations of the samples of drugs, medicines and other articles received by him, or to have the same done under his personal care and direction, and if such samples of drugs, medicines and other articles are found not to be dangerous to life or health it shall be his duty and he shall issue to such applicant, a permit to sell and offer for sale the drugs, medicines and other articles, the samples of which shall have been submitted to and examined by him, either as principal or through an agent or agents, and in the manner described in Section 1 of this act. Such permit shall name the drugs, medicines or other articles authorized thereby, to be sold and offered for sale, the name of the person, firm or corporation to whom issued, the date of its issuance, the date of its expiration, and shall

be signed and attested by the State Dairy and Food Commissioner in his official capacity. No such permit shall be issued for a longer period than one year.

Sec. 4. Such permit shall authorize the person, firm or corporation to whom it has been issued, either as principal or through one or more agents, to sell and offer for sale the drugs, medicines and other articles named therein, and in the manner described in Section 1 of this act, in any county within this State, upon compliance by such person, firm or corporation, or the agent thereof, with the compliance with the other provisions of this act, and it shall be the duty of the State Dairy and Food Commissioner, upon application of any person, firm or corporation, to whom such permit has been granted, to issue duplicate or duplicates of such permit upon the payment to him of \$1.00 for each of such duplicates so issued, which fee or fees shall be paid into the general fund of the State of Texas by the State Dairy and Food Commissioner.

Sec. 5. Upon the receipt of such permit or duplicate thereof, the person, firm or corporation named therein, or his, or its agents, may present the same to the tax collector of the county in which it is sought to engage in such business and upon the payment to such tax collector the amount of the tax imposed upon such occupations by the laws of this State, such person, firm or corporation, or his, or its agent or agents, shall be authorized to pursue such occupation in such county; provided, each and every person so engaged shall pay said tax, and no tax collector shall issue license therefor unless such permit be presented to him.

Sec. 6. Any person, firm or corporation, or the agent thereof, who shall violate any of the provisions of this act, or who shall knowingly sell any drug, medicine or other article different from the sample submitted to the State Dairy and Food Commissioner, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than \$150 and not more than \$300.

Sec. 7. The fact that there is no law protecting the public against the vending of drugs and appliances to the injury of the State creates an emergency, and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the said rule is hereby suspended, and this act take effect and

be in force from and after its passage, and it is so enacted.

HAYTER, Chairman.

Committee Room,

Austin, Texas, February 16, 1909.

Hon. A. B. Davidson President of the Senate.

Sir: Your Committee on Public Health, to whom was referred

Senate bill No. 94, A bill to be entitled "An Act to abolish the present Department of Public Health and Vital Statistics, and establish a State Board of Health,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the following committee substitute bill in lieu thereof do pass:

A BILL

To be entitled

An Act to carry into effect Article 132, Section 16 of the Constitution of the State of Texas in relation to a Texas State Board of Health and Vital Statistics Department; to abolish the present Department of Public Health and Vital Statistics; to create a Texas State Board of Health; to provide for the appointment and organization of said Board, and the name of its officers; to provide for the designation by the Governor of one member of said Board as State Health Officer; to provide for the operation and maintenance of the State quarantine service; to define the qualifications of the members, officers and employes of the State Board of Health; to fix their salary, and provide for office quarters, and appliances of said Board; to define the status of said Board with relation to courts of this State; to confer upon said Board discretionary powers concerning the defining and investigating nuisances detrimental to the public health and happiness, and the investigating and regulating of water supply, and other investigations necessary concerning sanitation and quarantine, and for general discretionary powers concerning matters of public health and sanitation; and to delegate to said Board under the police powers of this State authority to prepare, adopt, enact, promulgate and put into effect rules and regulations and requirements governing the promotion and protection of public health and safety, such rules and regulations to be incorporated into what shall be

known as a "Sanitary Code for Texas," prescribing penalties in certain limits for the violation of the rules and regulations specified by said code; to define the duties of the courts of this State with respect to the enforcement of the rules and regulations of said code; to define the duties of the courts of this State with respect to the enforcement of obedience and to the process of said Board; to define the duties of the court with respect to compelling obedience and respect of witnesses when summoned to testify before said Board; providing for compelling attendance by said Board of witnesses on investigation involving the exercise of the discretionary power of said Board, and declaring that any witness falsely testifying before said Board shall be guilty of perjury; to confer upon the officers, members and inspectors of said board powers of peace officers with power to make arrests for violation of the sanitary code and the health and sanitary laws of the State; to define the duties of the courts of the State relative to the enforcement of the laws, rules, regulations and ordinances of the sanitary code for Texas; to define the duties of all peace officers of the State relative to apprehending and arresting offenders against said sanitary code for Texas; to confer upon said Board power and authority to revise and amend the sanitary code for Texas, and to provide a method for promulgating and enforcing such amendments and revisions; to abolish the office of county physician in the several counties of this State, and to create and define the office of county health officer instead, and to define the duties and powers of said county health officers, and to prescribe modes of procedure for removal from office, and to prescribe penalties for neglect of duty on the part of said county health officer; to abolish the office of city physician within this State in the several incorporated cities and towns, and to create instead the office of city health officer; to define the qualifications and duties of city health officer, and the method of appointment to office, and a method of removal from office, and prescribing penalties for neglect of duty on part of city health officers; providing for annual conferences of county health officers and city health officers; to provide for all members, officers and inspectors of the State Board of Health may accept free transportation from transportation

companies within the State; making an appropriation for the payment of salaries of the members, officers, assistants and employes of the Board for the remainder of the current fiscal year; to repeal all laws and parts of laws in conflict with this act, and to declare an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The Department of Public Health and Vital Statistics as now existing under the laws of this State is hereby abolished, and that there be created and established in its stead a State Board of Health to be officially designated "Texas State Board of Health," which shall consist of seven members, at least five of whom shall be legally qualified practicing physicians within the State of Texas, of good professional standing, and who shall be graduates of legally constituted medical colleges, to be appointed biennially by the Governor, and as soon as practical after the passage of this bill, and thereafter on or before the tenth day of May following his inauguration. One member of said Board, who shall be appointed by the Governor and confirmed by the Senate, shall be designated by the Governor as State Health Officer and he shall be a member of the Board and its President and executive officer.

One member of said Board shall be the State Dairy and Food Commissioner, and one member shall be chairman of the State Live Stock Sanitary Commission, as now or as may be hereinafter provided for by law, which to said members shall perform the duties now encumbered upon the Dairy and Food Commissioner and the chairman of the Live Stock Sanitary Commission, but otherwise the existing laws with respect to these two departments are hereby continued in force.

Providing, that in case there should at any time be a difference of opinion regarding the nature and extent of cooperation desirable between the various departments represented on the Board, then and in that event a majority vote of the members of the Board of Health shall decide the policy to be pursued.

The members of said Board shall hold their office for a term of two years, and until their successors shall be appointed and qualified, unless sooner removed for cause.

Sec. 2. The President of said Board shall receive an annual salary of \$3600. The other four members of said Board, exclusive of the State Dairy and Food

Commissioner and the chairman of the Live Stock Sanitary Commission, shall receive no salary, but each of said four members shall be allowed for each and every day he shall be in attendance upon the meetings of the Board the sum of \$10.00, including the time spent in transit, and 3 cents per mile going and coming for actual expenditures, to be paid on their vouchers when approved by the President of the Board and the Governor, by warrant drawn upon the State Comptroller against the general appropriation provided by law for that purpose.

Sec. 3. A majority of the members of the Board shall constitute a quorum for the transaction of business. The Board shall meet at Austin on the first Tuesday after appointment and commission, and thereafter shall meet quarterly on a day to be fixed by the Board, or as often and at such time and places as such meetings shall be deemed necessary by the Board. Timely notice of such meetings shall be given to each member of the Board by the President thereof. The Board shall be convened on call of the President, or on demand of three members of said Board made in writing to the President. The office of said Board shall be in the Capitol at Austin, and the said Board shall be furnished with all necessary equipment and supplies, including laboratory supplies, books, stationery, blanks, furniture, etc., as other offices of the State are furnished, including suitable rooms for its offices and laboratories, necessary for carrying on the work of the Board, and to be provided in the Capitol building or other suitable buildings to be designated by the Governor.

Sec. 4. The President of the Board shall at the first meeting of the Board appoint, with the approval of the Governor, the following:

(1) An Assistant State Health Officer, who shall be a legally qualified practitioner of medicine under the laws of the State of Texas, whose duty it shall be to assist the President of the Board in a general supervision of the affairs of his office and in the enforcement of quarantine and sanitation throughout the State, and in the enforcement of the sanitary code in this act hereinafter provided for. Said Assistant State Health Officer shall receive an annual salary of \$2000.

(2) A Registrar of Vital Statistics, whose duty it shall be to collect, record, compile and tabulate the vital and mortality statistics of the State, as provided by law, and shall also be secre-

tary of the Board, and perform such other duties as may be directed by the President of the Board, and he shall receive an annual salary of \$1800.

(3) A chemist and bacteriologist, who shall be learned in chemistry, pathology and bacteriology, and who shall be also assistant to the Dairy and Food Commissioner, and he shall receive a salary of \$1800 per annum. He shall also make examinations and analyses of such matters and things as may be referred to or submitted to him by the Board, and shall report result of such examinations in manner and form as directed by the Board.

(4) A competent stenographer and bookkeeper combined, who shall receive a salary of \$1200 per annum.

(5) One stenographer, who shall act as private secretary of the State Health Officer, and who shall receive an annual salary of \$1000.

(6) A filing clerk, who shall assist the Registrar of Vital Statistics, and shall do such other duties as may be directed by the Board, and who shall receive a salary of \$720 per annum.

(7) Three inspectors, at a salary of \$1800 each per annum. It shall be the duty of such inspectors to conduct such inspection as directed by the President of the Board, and to assist in the enforcement of all sanitary and quarantine laws of the State and in the enforcement of all provisions of the sanitary code hereinafter to be provided for, and to perform such other necessary services as shall be directed by the President of the Board.

Sec. 5. All members of the Board, its officers and inspectors, may accept free transportation from railroads and public transportation companies.

Sec. 6. Members of the Board shall qualify by taking the constitutional oath of office before an officer authorized to administer oaths within this State. Upon presentation of oath and their certificates of appointment signed by the Governor, the Secretary of State shall issue commissions to them under the seal of the State, which shall be evidence and be authority to act as such members of the Board.

Sec. 7. The President of the Board shall execute bond in the sum of \$10,000, with two or more good and sufficient sureties, payable to the Governor and his successors in office, conditioned for the faithful performance of his official duties, to be approved by the Governor, and filed in the office of the Secretary of State.

Sec. 8. The President of the Board

shall have charge of and superintend the administration of all matters pertaining to State quarantine, with full authority to declare and enforce quarantine, but the quarantine service shall be maintained upon its present operating basis and under the existing general laws relating thereto, and shall be operative under the existing appropriations until the end of the current fiscal year.

Sec. 9. There is hereby appropriated and set aside out of the general revenue of the State the sum of \$11,000, or so much thereof as shall be necessary, to pay salaries of the members and officers of the Board, its inspectors, assistants and employes for the remainder of the current fiscal year after their tenure of office begins.

Sec. 10. The State Board of Health shall have general supervision and control of all matters pertaining to the health, life, limbs, safety, comfort and happiness of the citizens of this State. It shall make a study of the causes and prevention of infectious and contagious diseases within the State and, except as otherwise provided in this act, shall have discretion and control of all matters of quarantine regulations and enforcement, and shall have full power and authority to prevent the entrance of such disease from points without the State, and shall have direction and control over all sanitary and quarantine measures for dealing with all such diseases within the State and to suppress same and prevent their spread.

Sec. 11. The Texas State Board of Health shall, as early as practicable after its organization, prepare a sanitary code, to be known as the "Sanitary Code for Texas," which shall provide for the promotion and protection of the public health and for the general amelioration of the sanitary and hygienic conditions within this State, and for the suppression and prevention of infectious and contagious diseases, and for the proper enforcement of quarantine, isolation and control of such diseases, and said code shall particularly prescribe rules and regulations, as follows:

(a) Rules and regulations for the management of quarantine, isolation, vaccination and disinfection with respect to all contagious, infectious diseases and exposures, and any person who shall violate any of such rules and regulations shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than five dollars nor more than one hundred dollars.

(b) Rules and regulations governing quarantine, isolation, segregation and disinfection of all pestilential diseases, such as bubonic plague, Asiatic cholera, leprosy, typhus fever and yellow fever, and any person who shall violate any of such rules and regulations shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than fifty and not more than one thousand dollars.

(c) Rules and regulations prescribing and fixing the standard for disinfectants, and to require the employment of disinfectants of proper quality and standard in the disinfection of all premises, as directed by the Board, and any person violating any of such rules and regulations shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum of not less than five nor more than fifty dollars.

(d) Rules and regulations for the proper disposition of sewage and offal, and for the proper drainage of unsanitary premises, and any person violating any of such rules and regulations shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than five nor more than fifty dollars.

(e) Rules and regulations for the protection of public water supplies and all watersheds, streams and sources leading thereto, and any person violating any of such rules or regulations shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than twenty-five dollars nor more than five hundred dollars.

(f) Rules and regulations for the inspection, sanitation and disinfection of all railway coaches (including interurban cars), and sleeping cars, street cars, waiting rooms, toilet rooms in cars and stations, depots and stations, and also rules and regulations governing the sanitary conduct of all persons within such places, and shall make such rules and regulations to be imperative and operative as to all managers, agents and employes or persons in charge of such places, as well as the patrons or occupants of such places, and any person who shall violate any of such rules and regulations shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than five dollars nor more than two hundred dollars.

(g) Rules and regulations governing the reporting by physicians and others the presence in any locality of all contagious and infectious diseases, and any person violating any of such rules and

regulations shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than five dollars nor more than one hundred dollars.

(h) Shall prescribe rules and regulations governing the manner and method of collecting and reporting all vital and mortuary statistics including reports of births and deaths, and shall designate to whom and by whom such reports shall be made, the form of same, and any person violating any of such rules and regulations shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than five dollars nor more than one hundred dollars.

(i) Rules and regulations governing the preparation, disposition of, interment, disinterment and transportation of dead bodies, and any person violating any of such rules and regulations shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum of not less than five dollars and not more than one hundred dollars.

(j) Rules and regulations for examination and inspection, both ante-mortem and post-mortem, of all animals which may be intended for supplying food products or meat for human consumption, and rules and regulations to govern the protection of the public with reference to the sale or use of diseased animals for producing food products or meat, and rules and regulations governing the matter of feeding to animals designed for the producing food products or meat for human consumption; of offensive or diseased producing food stuffs, and rules and regulations for the inspection, examination and management of all dairy cows and herds, for the purpose of controlling and suppressing all tuberculosis and other diseases liable to be communicated from animal to man, and any person who shall violate any of such rules and regulations shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum of not less than five dollars and not more than two hundred dollars.

(k) Rules and regulations governing the inspection, sanitation and sanitary regulation of all buildings and premises and all machinery and utensils used in such buildings and premises, where is manufactured, stored, kept for sale, prepared or served any food or food produce, condiment, beverage, drink or confection, which shall include dairies, creameries, ice cream factories, cheese factories, milk and butter depots, bakeries, restaurants, hotels and all other

places where food is made, kept, prepared or served, such rules shall also prescribe for the personal hygienic and physical condition of all persons engaged in manufacturing, preparing, handling or serving such food products, and shall make such rules apply both to employer and employe, in such cases, and any person violating any of such rules and regulations shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than five dollars nor more than two hundred dollars.

(l) Rules and regulations for the sanitary conduct of public schools, applicable to teachers, pupils and employes, and rules and regulations regarding the prevention and suppression of disease among the pupils of public schools and any person violating any of such rules and regulations shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum of not less than five dollars and not more than two hundred dollars.

(m) Rules and regulations for sanitation and disinfection of public buildings, as well as rules and regulations prescribing the sanitary conduct and behavior of all persons, patrons, habitues and occupants within all public buildings, and for the proper comfort, welfare and safety of all persons within said buildings and premises, and to make such rules and regulations operative and imperative as to owners, agents, custodians, managers, employes, operatives and occupants of such buildings, and any person violating any of such rules and regulations shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than five dollars nor more than one hundred dollars.

For the purpose of this law a public building is hereby declared to be any building owned by the State, or any county or any city, school board or school fund, or any other school building, college or university of any class, any dance hall, music hall, saloon, fire hall, skating rink, theater, theatorium, moving picture show, club house, hospital, sanitarium, sanatorium, public bath house, pavilion, office building, hotel, lodging house, restaurant, lecture hall, any place of public worship, or any building or place designed or used for the congregation, occupation or entertainment, amusement or instruction of the public.

It shall be the duty of said Texas Board of Health to provide for the removal of known and possible causes of

disease; to define and abate nuisances injurious to public health, public safety and public happiness; to exercise supervision over and prescribe rules for the construction of sewerage systems, to provide for the extermination of obnoxious and hurtful insects, vermin and rodents when necessary to prevent or suppress disease.

For the compilation and preparation of such code, it shall be the duty of the Board to consult authorities and make investigations relative to the most approved modern sanitary codes, and spare no pains to make the same complete in the light of modern science.

On adoption of the said code by vote of a majority of the members of the Board, it shall be published at length for one time in the official monthly bulletin of the State Board of Health, and at least three times for three consecutive weeks in three daily newspapers of the State, after which adoption and publication it shall become operative and have the absolute force of law. Said sanitary code for Texas, and any person who shall violate any of the rules or regulations in said sanitary code after its adoption and publication, as above provided for, shall be deemed guilty of a misdemeanor, and shall be fined as herein prescribed.

And it is hereby made the duty of the several courts of this State having jurisdiction over such offenses, according to the grade thereof, to enforce and carry into effect each and every provision of the rules, regulations and laws of said Board so promulgated in said sanitary code for Texas, and to impose and collect penalties in the amounts therein specified from all persons found guilty of any violation thereof.

There shall be printed by the Board, and by it published in pamphlet form, a sufficient number of copies of the sanitary code for Texas for distribution to the public. Copies shall be furnished free upon application to county and municipal health authorities, boards of health, mayors, members of city council, city commissioners and judges and clerks of courts. Copies of said code shall be furnished by the Board upon application to any person applying therefor and paying a nominal sum, to be fixed by the Board, to cover cost of publication and transportation of same.

Sec. 12. Power is hereby conferred upon the Texas State Board of Health to further revise and amend said sanitary code for Texas at any time they may deem proper and expedient; provided, that any revision or amendment

which shall be adopted by the Board shall be published and promulgated in the same manner as required by this act for the adoption, publication and promulgation of the original code, and any and all such revisions and amendments of said code when so made, adopted, published and promulgated shall have the force of law in all respects as if originally promulgated in said code; provided, that such revision and amendment shall come within the scope of the power herein conferred upon the Board for enacting the original code.

Sec. 13. It shall be the duty of said Texas State Board of Health to perform all functions and duties now imposed by existing laws upon the State Health Officer, and whenever State Health Officer is mentioned in the present laws the Texas State Board of Health shall be deemed to succeed in purpose and effect, whenever such statutes are not in conflict with this act.

Sec. 14. Each member of the said Texas State Board of Health and each of its inspectors and officers is hereby constituted a peace officer and shall have power to arrest persons violating any of the provisions of the sanitary code to be adopted by the Board, of the violation of any public health, sanitary or quarantine law of the State, and such member, officer or inspector may so arrest such offenders without warrant, when the offense is committed within the presence or sight of such member, officer, or inspector, but otherwise only when in the execution of a warrant issued by a proper officer.

It is hereby made the duty of all sheriffs, and their deputies and constables and their deputies, police officers, town marshals, State rangers and all other peace officers to assist in the apprehension and arrest of all persons violating any provisions, rules, ordinances or laws of the sanitary code for Texas as it may be adopted by said Board, or for violation of any public health, sanitary or quarantine law of this State. It is hereby made the duty of such members, inspectors and officers of said Board to apprehend and arrest all persons who may commit any offense against the public health laws of this State, or the rules, regulations, ordinances and laws of the sanitary code for Texas when adopted, published and promulgated by said Board of Health as provided in this act when charged to execute a warrant of arrest issued by the proper officer for the apprehension

and arrest of all persons charged with so offending.

Sec. 15. The members of the Board of Health and every person duly authorized by them upon presentation of proper authority in writing are hereby empowered whenever they may deem it necessary in pursuance of their duties to enter into, examine, investigate, inspect and view all grounds, public buildings, factories, slaughter houses, packing houses, abattoirs, dairies, bakeries, manufactories, hotels, restaurants, and all other places and buildings where they may deem it proper to enter for the discovery and suppression of disease and for the enforcement of the rules, regulations and ordinances of the sanitary code for Texas after it has been adopted, promulgated and published by the Board or for the enforcement of any and all health laws, sanitary laws or quarantine regulations of this State.

Sec. 16. The members of said Board of Health and its officers are hereby severally authorized and empowered to administer oaths and to summon witnesses and compel their attendance in all matters proper for the said Board to investigate, such as the determination of nuisances, investigation of public water supplies, investigation of any sanitary conditions within the State, investigation of the existence of infection, or the investigation of any and all matters requiring the exercise of the discretionary powers invested in said Board and its officers and members and in the general scope of its authority invested by this act. The several district judges and courts are hereby charged with the duty of aiding said Board in its investigations and in compelling due observance of this act, and in the event any witness summoned by said Board or any of the officers or members of the same shall prove disobedient or disrespectful to the lawful authority of such Board, officer or member, such person shall be punished by the district court of the county in which such witness is summoned to appear, as for contempt of said district court.

Sec. 17. Any witness when summoned to appear before said Board who shall falsely testify as to any matters proper for the determination of any question which the Board may be investigating shall be deemed guilty of perjury, and shall be punished as provided by law for the offense of perjury.

Sec. 18. Be it further enacted that the office of county physician shall be abolished within the several organized

counties of this State, and that instead the office of county health officer is hereby created in each organized county within this State.

Sec. 19. The office of county health officer shall be filled by a competent physician legally qualified to practice under the laws of the State of Texas and of reputable professional standing.

Sec. 20. It is hereby made the duty of the county judge of each organized county to appoint a proper person for the office of county health officer for his county, who shall hold office for two years, and until his successor shall be appointed, and qualify, unless sooner removed for cause. Said county health officer shall take and subscribe to the constitutional oath of office, and shall file a copy of such oath of office, and a copy of his appointment with the Texas State Board of Health and until such copies are so filed said officer shall not be deemed to be legally qualified. Compensation of said county health officer shall be fixed by the commissioners court, and in no instance shall same be less than \$50 per month in counties of 15,000 or more population.

Sec. 21. The office of city physician for the several incorporated cities and towns within this State is hereby abolished, and instead created the office of city health officer.

Sec. 22. The office of city health officer shall be filled by a competent physician, legally qualified to practice medicine within this State, of reputable professional standing.

Sec. 23. It is hereby made the duty of the mayor of each incorporated city and town within this State to nominate a qualified person for the office of city health officer, to be confirmed by a majority of the votes of the city council or city commission, as the case may be, except in cities which may be operated under a charter providing for a different method of selecting city physicians, in which event the office of city health officer shall be filled as is now filled by the city physician, but in no instance shall the office of city health officer be abolished.

The city health officer after appointment shall take and subscribe to the constitutional oath of office, and shall file a copy of such oath, and a copy of his appointment with the Texas State Board of Health, and shall not be deemed to be legally qualified until said copies shall have been so filed.

Sec. 24. In case the authorities hereinafore mentioned shall fail, neglect or

refuse to fill the office of county health officer as in this act provided, then the Texas State Board of Health shall have the power to mandamus such authority in a court of competent jurisdiction and compel the appointment of such officer, first having given ten days' notice in writing to such authority of the desire for such appointment.

Sec. 25. Each county health officer shall perform such duties as has heretofore been required of county physicians with relation to caring for the prisoners in county jails and in caring for the inmates of county poor farms, hospitals, discharging duties of county quarantine, and other such duties as may be lawfully required by the county physician by the commissioners court and other officers of the county, and shall discharge any additional duties which it may be proper for county authorities under the present laws to require for county physicians and in addition thereto he shall discharge such duties as shall be prescribed for him under the rules, regulations and requirements of the Texas State Board of Health or the president thereof, and is empowered and authorized to establish, maintain and enforce quarantine within his county. He shall also be required to aid and assist the State Board of Health in all matters of local quarantine, inspection, disease prevention and suppression, vital and mortuary statistics, and general sanitation within his county; and he shall at all times report to the State Board of Health in such manner and form as it shall prescribe the presence of all contagious, infectious and dangerous epidemic diseases within his jurisdiction, and he shall make such other and further reports in such manner and form, and at such times as said Texas State Board of Health shall direct, touching such matters as may be proper for said State Board of Health to direct, and he shall aid said State Board of Health at all times in the enforcement of its proper rules, regulations, requirements and ordinances and in the enforcement of all sanitary laws and quarantine regulations within his jurisdiction.

Sec. 26. In all matters with which the State Board of Health may be clothed with authority, said county health officer shall at all times be under its direction, and any failure or refusal on the part of said county health officer to obey the authority and reasonable commands of said State Board of Health shall constitute malfeasance in office,

and shall subject said county health officer to removal from office at the relation of the State Board of Health, and pending charges for removal said county health officer shall not receive any salary or compensation.

Sec. 27. In the event any county health officer shall fail or refuse to properly discharge the duties of his office as prescribed by this act, the State Board of Health shall file charges with the commissioners court for the proper county, specifying wherein such officer has failed in the discharge of his duties, and at the same time the State Board of Health shall file a protest with the county clerk and the county treasurer against the payment of further fees, salary or allowance to said county health officer, and pending such protest and charges it shall not be lawful for such county health officer to be paid or to receive any subsequently earned salary, fees or allowance on account of his office. After five days' notice in writing to said county health officer the commissioners court shall hear the charges, at which hearing the county judge shall preside, and the State Board of Health may be represented. Either party, the State Board of Health or the county health officer, may appeal from the decision of said court to the district court of the county, and pending such appeal no salary, fees or allowance shall be paid to said county health officer for any subsequently earned salary, and in the event the charges shall be sustained, the said county health officer shall be charged to pay all costs of court, and shall forfeit all salary, fees and allowances earned subsequent to the date of filing the charges and protest.

Sec. 28. The State Board of Health shall not be required to give bond for cost of appeal in any action it may bring in any court of this State touching matters concerning which it may be proper for said Board to bring and maintain any action.

Sec. 29. Each city health officer shall perform such duties as may now be required by the city councils and ordinances of city physicians and such duties as may be required of him by general law and city ordinances with regard to the general health and sanitation of towns and cities, and perform such other duties as shall be legally required of him by the mayor, councils, commissioners or the ordinances of his city or town. He shall in addition thereto discharge and perform such duties as may be prescribed for him under

the directions, rules, regulations and requirements of the State Board of Health and the president thereof; he shall be required to aid and assist the State Board of Health in all matters of quarantine, vital and mortuary statistics, inspection, disease prevention and suppression, and sanitation within his jurisdiction. He shall at all times report to the State Board of Health in such manner and form as shall be prescribed by said Board of Health, the presence of all contagious, infectious and dangerous epidemic diseases within his jurisdiction and shall make such other and further reports in such manner and form, and at such times as said State Board of Health shall direct touching all such matters as may be proper for the State Board of Health to direct, and he shall aid said State Board of Health at all times in the enforcement of proper rules, regulations and requirements, and in the enforcement of all sanitary laws, quarantine regulations and vital statistics collection, and perform such other duties as said State Board of Health shall direct.

In all matters in which the State Board of Health may be clothed with authority said city health officer shall at all times be governed by the authority of said Board of Health, and failure or refusal on the part of said city health officer to properly perform the duties of his office as prescribed by this act shall constitute malfeasance in office, and shall subject said city health officer to removal from office at the relation of the State Board of Health.

In the event of a failure or refusal of said city health officer to properly discharge his duties of his office the State Board of Health shall file charges against said city health officer with the council or city commission of the proper town or city which shall specify in what particulars said city health officer has failed in respect to the discharge of his duties, and shall at the same time file a protest with the city secretary and city treasurer against the payment to said city health officer or further fees, salary or allowance, and pending such charges and protest no further salary, fees or allowance shall be paid to said city health officer. After five days' notice in writing to said city health officer the charges shall be heard before the mayor and council, or the mayor and commission of the town or city in which said city health officer shall reside, at which hearing the State Board of Health may be

represented, and either the city health officer or the State Board of Health shall have the right of appeal to the county court of the county in which the city or town is situated, and if said charges be sustained said city health officer shall be adjudged to pay all costs of court, and shall forfeit all salary, fees and allowance accrued subsequent to the date of filing of the charges and protest originally, and which may be due him on account of his office.

Sec. 30. The compensation of city health officer shall be fixed by the mayor and council, or the mayor and commissioners of the respective towns and cities within this State, and in no instance shall same be less than \$50 per month in cities of 10,000 or more population.

Sec. 31. There shall be annual conference of county health officers and city health officers of this State, at such time and place as the State Board of Health shall designate, at which conference the president or some member of the said State Board of Health shall preside. The several counties, towns and cities may provide for and pay the necessary expense of its county health officer or city health officer for attendance upon said conference.

Sec. 32. In all matters wherein the Board of Health shall invoke the assistance of the courts, the action shall run in the name of the State of Texas, and the Attorney General shall assign a special assistant to attend to all legal matters of the Board, and upon demand of the Board it shall be the duty of the Attorney General to promptly furnish the necessary assistance to the Board to attend to all its legal requirements.

Sec. 33. All laws and parts of laws in conflict with this act are hereby repealed.

Sec. 34. The fact that there is now no uniform and efficient law for the suppression and prevention of diseases within this State, other than that of foreign origin, and no effective system for preserving, tabulating and utilizing the vital and mortuary statistics of the State and for the appointment of local health officers, creates an emergency and imperative public necessity that the constitutional rule providing that bills be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

HAYTER, Chairman.

(Floor Report.)

Austin, Texas, February 17, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 226, A bill to be entitled "An Act to create a more efficient road system for McLennan county, Texas, and making county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and defining the powers and duties of such county commissioners, and providing for the appointment of road overseers, and defining their duties, and for the working of county convicts on the public roads of said county, and providing for officers' fees and rewards and penalties for said convicts, and rewards for the capture of escaped convicts, and to provide for the manner and training and maintaining hedges along the public roads, and to provide for the summoning of teams for road work, and for an allowance for time of road service for the same, and fixing a penalty for a violation of this act, and to repeal all laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass, and be not printed.

Greer, Chairman; Paulus, Sturgeon, Murray, Mayfield, Veale, Peeler, Senter, Perkins, Terrell of McLennan.

Committee Room,

Austin, Texas, February 17, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

Senate bill No. 69, A bill to be entitled "An Act to provide for the working of short-term convicts upon the public roads of the State; defining short-term convicts, and to provide regulation for the confinement and safe keeping of such convicts,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following amendment:

Strike out all after the enacting clause, and insert the following:

Section 1. From and after the passage of this act all able-bodied male convicts who have been or may here-

after be convicted under felony, whose punishment is assessed to not more than five years' confinement in the penitentiary, except such as are sentenced under the law to confinement in the State reformatory, shall be termed short-term convicts, and shall be put and confined to labor on the public roads in this State subject to conditions and limitations of this act.

Sec. 2. Such convicts shall at all times be under the supervision of the penitentiary authorities in like manner as other convicts.

Sec. 3. The commissioners court in any county in this State desiring to utilize such convict labor under the provisions of this act shall pass an order to that effect which shall be entered upon the records of said court.

Sec. 4. It shall be the duty of the penitentiary board of this State upon the proper requisition of the county judge in which the commissioners court has determined to so utilize convict labor to deliver and turn over to such county judge or his authorized agent, at the expense of the county, all convicts to which said county may be entitled under the provisions of this act; provided, that nothing in this act shall be so construed as to prevent the penitentiary board from retaining at all times a sufficient number of convicts to operate all the work and enterprises within the walls of the penitentiary. It shall also be the duty of the State penitentiary board to furnish sufficient guards and all reasonable and necessary camp equipment, consisting of bedding, tents and cooking utensils, sufficient to accommodate such convicts and guards in comfortable quarters at the expense of the State, and in case of sickness of any convict employed as aforesaid on works upon the public roads and highways, said county shall furnish medical care and attention at its own expense.

Sec. 5. All convicts and convict camps shall be under the direction and supervision of the penitentiary board, which shall provide rules and regulations for the management, discipline and control of said convicts and of said convict camps, subject to the approval of the Governor, and shall have authority to summarily discharge, for cause, any employe having either care or charge of said convicts or of said camps, and it shall be the duty of the penitentiary board to require constant and thorough disinfection of the quarters of the convicts and the observance and maintenance of sanitary rules and regulations.

Sec. 6. All provisions and commissary supplies necessary for the support and maintenance of the said convicts shall be furnished by the county in which they are at work.

Sec. 7. During the months of November, December, January and February, the time of the actual labor shall not exceed eight hours per day, and during the remainder of the year labor hours shall not exceed ten hours per day.

Sec. 8. Be it further enacted, that all such short-term convicts may, after January 1, 1910, be employed by the authorities of the several counties, upon the public roads of said counties, as herein provided; that on or before the first day of November, 1909, and annually thereafter, the penitentiary board shall communicate with the county authorities of the State and ascertain those counties desiring to use convict labor upon their public roads, and said county shall, through the proper authorities, advise the penitentiary board in writing, stating whether they desire to use such labor upon their roads, and the number desired. The proportion of convicts which each county shall be entitled to shall be ascertained by the penitentiary board based upon the population of said county as shown by the last national census taken preceding said apportionment.

Sec. 9. Any two or more counties of this State may combine for the purpose of working and improving the roads of their respective counties, by and with the consent and approval of the penitentiary board.

Sec. 10. Any county which has not taken its quota of convicts may, at any time, apply to the penitentiary board, and the board shall, as early as practicable, furnish the county with its quota of convicts. In determining the quota of convicts each county is entitled to, the penitentiary board in making said apportionment shall take into consideration the number of convicts said county has been entitled to in the past, when not used, and said county shall be furnished a sufficient number of convicts to compensate it for all convicts such county has been entitled to in the past and not used.

Sec. 11. The commissioners court of the various counties of the State shall designate any one or all the public roads in such county upon which work shall be done under the provisions of this act.

Sec. 12. The State penitentiary board may purchase prison wagons, road work-

ing machinery and appliances, the same to be used for the construction and repair of public roads, in the counties in which such felony convicts may be used as provided under the foregoing sections, and the counties so working such convicts shall furnish all the material required for the repair and construction of such roads, and the county authorities of such county are hereby authorized to pay such expenses out of any fund raised for road purposes.

Sec. 13. In awarding the labor of convicts to counties it shall be the duty of the penitentiary board, when practicable, to employ whites and negroes in separate locations, and they shall be provided with separate eating and sleeping apartments under all circumstances.

Sec. 14. No warden, deputy warden, inspector, guard, physician or any officer or other employe who has charge, control or direction of such convicts shall be in any manner whatever interested in the work or profit of the labor of any convicts, or shall receive any pay, gift, gratuity or favor of a valuable character from any person interested directly or indirectly in such labor.

Sec. 15. When any State convicts are worked on any public roads in any county of this State as herein provided, the said convicts shall be employed in constructing said improvements and for no other purposes; provided, that no convict labor shall be used in competition with skilled mechanical free labor, and under no contract by the terms of which the contractor is interested in the quantity of work a convict may be required to do per day; it being the fixed policy of the State that the control and management of its convicts shall never pass from it and its public officials into the control and management of any private corporation or person.

Sec. 16. It shall be unlawful for the penitentiary board of this State to make any leases of convicts whatever in the future, and it shall be unlawful for said board to renew any lease now outstanding when such lease or leases shall expire; provided, that nothing herein shall be construed as to interfere with any such lease contract now in force.

Sec. 17. Any person guilty of the violation of the provisions of Section 14 of this act shall be guilty of a felony, and upon conviction shall be sentenced to the penitentiary for a term of not less than two years and not more than five years. Such offense may be reduced to misdemeanor by recommendation of

the jury trying the case, and the court shall concur in the jury recommendation in addition to a summary discharge by the penitentiary board from the service of the State; provided, that the provisions of this act shall not prohibit a camp physician from the regular practice of his profession.

Sec. 18. All laws and parts of laws in conflict with the provisions of this act shall be, and the same are, hereby repealed.

PEELER, Chairman.

Committee Room,

Austin, Texas, February 17, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

Senate bill No. 34, A bill to be entitled "An Act for the establishment, location, building and maintenance of a State training school for children, and to make an appropriation therefor,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, for the reason that other bills on the same subject introduced by Senators Cofer, Sturgeon and Ward have heretofore been reported favorably.

PEELER, Chairman.

Committee Room,

Austin, Texas, February 17, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Finance Committee, to whom was referred

House bill No. 246, A bill to be entitled "An Act making appropriations for the deficiencies in the appropriations heretofore made for the support of the State government for the fiscal years ending August 31, 1906; August 31, 1907; August 31, 1908, and August 31, 1909, being for claims registered in the Comptroller's office in accordance with law, and for outstanding claims not registered, and to make additional appropriations for the support of the State government for the years ending August 31, 1906; August 31, 1907; August 31, 1908; August 31, 1909, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following amendments:

Amend by striking out on page 6, line

2, the following: "Spencer Shoe Company, \$107.69."

Amend by adding under the head of approved accounts filed in the Comptroller's office on page 5, the following:

"To pay the Collin County Mill and Elevator Company, account of car of flour received July, 1907, \$679.70."

Under head of supplemental appropriations:

"To pay W. T. Simmons, district judge Sixty-seventh District court, salary for May, June, July and August, 1907, \$1000."

Under head of supplemental appropriations:

"To pay claims for supplies furnished the State rangers, approved by Adjutant General, January 30, 1909, \$472.21."

WILLACY, Chairman.

(Floor Report.)

Austin, Texas, February 17, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Labor, to whom was referred

House bill No. 109, A bill to be entitled "An Act to create a Bureau of Labor Statistics and to provide for the appointment of a commissioner of said bureau, and to fix the duties of the said commissioner, and to provide for the organization and maintenance of the said bureau, and for the collection and preservation and dissemination of labor statistics in Texas,"

Have had the same under consideration, and report it back to the Senate with the recommendation that it do pass.

Holsey, Chairman; Real, Alexander, Terrell of Bowie, Kellie, Brachfield, Mayfield, Hume.

(Majority Report.)

Committee Room,

Austin, Texas, February 17, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 136, A bill to be entitled "An Act to create the Texas Library and Historical Commission; setting forth the purposes of the said Library and Historical Commission; defining its powers and duties; repealing Article 2805 of the Revised Civil Statutes of the State of Texas; amending Article 2806,

and in general repealing all laws and parts of laws in conflict with this act,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HUDSPETH, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, February 17, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 136, A bill to be entitled "An Act to create the Texas Library and Historical Commission; setting forth the purposes of the said Library and Historical Commission; defining its powers and duties; repealing Article 2805 of the Revised Civil Statutes of the State of Texas; amending Article 2806, and in general repealing all laws and parts of laws in conflict with this act,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass.

HUDSPETH,
TERRELL of McLennan,
ALEXANDER.

(Floor Report.)

Austin, Texas, February 16, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 197, A bill to be entitled "An Act to amend Section 14, Chapter 49 of the General Laws of the Twenty-seventh Legislature, said chapter being entitled 'An Act to create a more efficient road system for Fayette, Uvalde and Frio counties, Texas, and making the county commissioners of said counties ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation, and providing for working of county convicts upon public roads of said counties, and providing for a reward to be offered for the recapture of an escaped convict, and taxing said reward and all actual costs of capture and delivery of said convicts against said convict, and providing for a penalty for the escape of county convict; and providing the amount of compensation to be allowed to road hands for teams, plows, scrapers and wagons;

providing for the working of delinquent poll taxpayers residing in cities and towns as well as in the country on the roads, and relieving them from performance of said work by the payment of the sum of \$3.00; providing for the age of male persons liable to serve as overseers and to work on the public road of the county; providing for a special road and bridge tax to be levied for Fayette, Uvalde and Frio counties; and providing further; making this law cumulative of the general laws and in case of a conflict this act to govern as to Fayette, Uvalde and Frio counties, Texas, and to repeal special road law, Chapter 54, Acts of 1891, Twenty-second Legislature, as to Fayette and Frio counties,' by providing the manner in which road and bridge fund of said counties shall be expended, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass, and be not printed.

Greer, Chairman; Paulus, Peeler, Veale, Perkins, Sturgeon.

Committee Room,

Austin, Texas, February 16, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 214, A bill to be entitled "An Act to make it lawful for railway, express and telegraph companies to contract with each other for the exchange of services; requiring such contract to be filed with the Railroad Commission of Texas, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BRACHFIELD, Chairman.

Committee Room,

Austin, Texas, February 16, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 198, A bill to be entitled "An Act to authorize the Wichita Falls Railway to own and operate as its own the Wichita Falls & Northwestern Railway Company and the Wichita Falls & Southwestern Railway Company,"

Have had the same under consideration, and I am instructed to report it

back to the Senate with the recommendation that it do pass.

BRACHFIELD, Chairman.

(Majority Report.)

Committee Room.

Austin, Texas, February 16, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 176, A bill to be entitled "An Act to fix and declare the right of contract in certain cases, and to regulate the making of contracts between publishers of newspapers, periodicals and other publications regularly issued and railroad, interurban and other transportation companies,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following amendment:

By adding after the words "with a fixed date of publication," the words, "as often as once a month."

BRACHFIELD, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, February 16, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Internal Improvements, to whom was referred

Senate bill No. 176, A bill to be entitled "An Act to fix and declare the right of contract in certain cases, and to regulate the making of contracts between publishers of newspapers, periodicals and other publications regularly issued and railroad, interurban and other transportation companies,"

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do not pass.

HOLSEY,
BRACHFIELD.

Committee Room,

Austin, Texas, February 16, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 178, A bill to be entitled "An Act to promote the safety of employes and travelers upon railroads in

this State by limiting the hours of service of conductors, engineers, firemen and brakemen; by making it unlawful for any railroad company or the receiver of any railroad company or any officer or agent of such railroad company or receiver to require or permit any conductor, engineer, fireman or brakeman to be or remain on duty for a longer period than sixteen consecutive hours; by providing for the relief of any conductor, engineer, fireman or brakeman after having been continuously on duty for sixteen hours and preventing his being required or permitted again to go on duty until he has had at least ten consecutive hours off duty, and preventing his being required or permitted to continue or again go on duty without having had at least eight consecutive hours off duty after he has been on duty sixteen hours in the aggregate in any twenty-four-hour period; by imposing a penalty for each violation by any railroad company or receiver of any railroad or any of the officers or agents of such company or receiver for each and every violation of this act; and by prescribing the venue of suits to recover penalties for violation of this act and the officers by whom the suits shall be brought, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BRACHFIELD, Chairman.

Committee Room,

Austin, Texas, February 16, 1909.

Hon. A. B. Davidson President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

House bill No. 168, A bill to be entitled "An Act to amend Section 1 of an Act of the Thirtieth Legislature, entitled 'An Act to define and prohibit discrimination against persons seeking employment, and to prescribe penalties for the breach of said act,' approved April 5, 1907, by adding thereto provisions requiring statements in writing from corporations and receivers to employes voluntarily leaving the employment, and requiring further copies of statements shall be given to employes who have lost or are otherwise deprived of the use of the originals, and prescribing more particularly what facts shall be set out in all such statements,"

Have had the same under consideration, and I am instructed to report

it back to the Senate with the recommendation that it do pass.

BRACHFIELD, Chairman.

Committee Room,
Austin, Texas, February 13, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 183, A bill to be entitled "An Act prohibiting nepotism, except with regard to the appointment of notaries public, or of one who for five years next preceding the date of such appointment shall hold the position, clerkship, or employment, or performed the duty to which he may be appointed, making it unlawful for any officer of this State or for any officer of any district, county, city, precinct, school district or other municipal subdivision of this State, or for any officer or member of any State, district, county, city, school district or other municipal board, or judge of any court created by or under authority of any general or special law of this State, to appoint or to vote for or to confirm the appointment to any office, position, clerkship, employment or duty, of any person related within the second degree by affinity or within the third degree by consanguinity to the person so appointing or so voting, or to any other member of any such board or court of which such person so appointing or voting may be a member, when the salary, fees, wages, pay or compensation of such appointee is to be paid directly or indirectly out of or from public funds or fees of office, or to appoint or vote for the appointment or for confirmation of the appointment to any such office, position, clerkship, employment or duty of any person whose services are to be rendered under his direction or control, and to be paid out of any such public funds or fees of office, and who is related by affinity within the second degree, or by consanguinity within the third degree, to any other officer or person included within any of the provisions of this act for or upon the consideration, in whole or in part, that such other officer or person has theretofore appointed or voted for the appointment or for the confirmation of the appointment or will thereafter appoint or vote for the appointment, clerkship, employment or duty of any person related within such prohibited degree of affinity or consanguinity, as the case may be, to such officer or other person making such ap-

pointment; prohibiting the approval of any account or the drawing of any warrant or order for or payment of any salary, fee, wages or compensation of such ineligible officer or person; prescribing penalties for the violation of this act and procedure for the enforcement of such penalties; prescribing venue in such cases; requiring district and county attorneys to assist the Attorney General whenever he shall so direct in quo warranto proceedings under this act; repealing all laws and parts of laws in conflict with any of the provisions of this act, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HUDSPETH, Acting Chairman.

Committee Room,
Austin, Texas, February 13, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 78, A bill to be entitled "An Act to amend Section 23 of 'An Act relating to State and county finances and the finances of cities incorporated under the general laws of this State, providing for a system of State, county and city depositories for said State, county and city funds, for the selection and designation of such depositories, to provide penalties for the violation of the provisions of this act, and to repeal all laws and parts of laws in conflict herewith,' passed at the Regular Session of the Twenty-ninth Legislature, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following amendment:

Amend by adding in caption, after "of," in line 1, the following: "Chapter 164, Acts of the Twenty-ninth Legislature, being."

HUDSPETH, Acting Chairman.

Committee Room,
Austin, Texas, February 13, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 10, A bill to be entitled "An Act to amend Chapter 10, Title 17, Penal Code, 1895, by adding Article

880a, creating the offense of an attempt to commit a theft from the person, and providing a punishment therefor, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HUDSPETH, Acting Chairman.

Committee Room,
Austin, Texas, February 13, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 13, A bill to be entitled "An Act to provide for the protection of the forests of Texas; to establish and create a State Commission of Forestry to consist of the Governor, a member of the State Tax Commission, a State Game and Fish Commissioner, the Commissioner of Agriculture, a member of the United States Forest Service and one practical lumberman; to declare the county game and fish wardens, forest wardens; to declare the constables, justices of the peace, sheriffs and deputy sheriffs, ex-officio deputy forest wardens, and to provide for the appointment of deputy forest wardens by the Governor; to exempt from taxation for a period of ten years, land which shall be planted in trees; to appropriate the sum of five hundred dollars annually for the purpose of carrying out the provisions of this act; to create a forest reserve fund, and to provide for the payment of all fines, forfeitures and penalties arising under the provisions of this act into said fund,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it be referred to the Committee on Agricultural Affairs.

HUDSPETH, Acting Chairman.

The above report was read and adopted.

Committee Room,
Austin, Texas, February 13, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 24, A bill to be entitled "An Act to amend Article 845a of Chapter 11, Title 17 of the Penal Code of the State of Texas, as enacted by the Twenty-sixth Legislature of the State of Texas, and printed in the General Laws of the Regular Session of that Legisla-

ture, on page 318 thereof, prescribing the punishment for the crime of burglary of a private residence at night, so as to provide that such punishment may be by death,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following amendments:

Amend the bill, line 26, page 21, by striking out all of Section 1 after the words and figures "Article 845a," and insert in lieu thereof the following: "The punishment for burglary of a private residence, as defined by Article 839a of the Penal Code, be by imprisonment in the penitentiary for any term of years; provided, however, that if in the perpetration of the burglary any assault is committed or attempted to be committed upon the inmates or occupants, then the punishment shall be by confinement in the penitentiary for any term of years not less than five years, or by death."

HUDSPETH, Acting Chairman.

Committee Room,
Austin, Texas, February 16, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 218, A bill to be entitled "An Act to better define and punish vagrancy; prescribing the rules of procedure in the prosecution of vagrants, and fixing a punishment for vagrancy, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HUDSPETH, Acting Chairman.

Committee Room,
Austin, Texas, February 13, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 168, A bill to be entitled "An Act to amend Title 17, Chapter 5 of the Penal Code of the State of Texas by adding thereto Article 825a, prohibiting the cutting of wood, trees or shrubs suitable for fuel, or other useful purposes, from the inclosed lands of another, providing a penalty for a violation thereof, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HUDSPETH, Acting Chairman.

Committee Room,
Austin, Texas, February 13, 1909.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 150, A bill to be entitled "An Act to require any person, firm or association of persons, keeping any billiard or pool rooms, to keep open house, and prescribing penalties for the violation of this act, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HUDSPETH, Acting Chairman.

Committee Room,
Austin, Texas, February 16, 1909.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 196, A bill to be entitled "An Act creating an independent school district in the county of Gonzales, State of Texas, to be known as the Nixon Independent School District, and to have all the powers, rights and duties of independent school districts formed by the incorporation of towns and villages for free school purposes only,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,
Austin, Texas, February 16, 1909.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 57, and find it correctly enrolled, and have this day at 12 o'clock m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the bill in full:

A BILL

To be entitled

An Act putting into effect the constitutional amendment adopted by the people at the last general election, re-

lating to public schools, by amending Sections 50, 57, 58, 59, 60, 61, 63, 65, 66, 76, 77, 78, 80, 81 and 154, and adding 154a of Chapter 124 of the Acts of the Regular Session of the Twenty-ninth Legislature, relating to school districts and school funds; repealing all laws and parts of laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Sections 50, 57, 58, 59, 60, 61, 63, 65, 66, 76, 77, 78, 80, 81, 154 and 154a of Chapter 124 of the Acts of the Regular Session of the Twenty-ninth Legislature shall hereafter read as follows:

Section 50. It shall be the duty of the county commissioners courts of all organized counties, not already subdivided, to subdivide their respective counties into convenient school districts by the first day of September, 1909, and any county hereafter organized shall be so subdivided before the beginning of the next ensuing school year after its organization; provided, that no district shall hereafter be created having an area of less than sixteen square miles, and not more than one school for white children and one school for colored children shall be established for each sixteen square miles of territory or major fraction thereof, within such districts; provided, the county commissioners court may reduce the area of any common school district and create such additional school districts as may be necessary for the best interests of the school children; provided, that no school districts shall be reduced to contain less than nine square miles of territory, and no new district shall hereafter be created having a less area than nine square miles; and provided further, that the area of school districts having an outstanding bonded indebtedness shall never be reduced until after such bonded indebtedness shall have been fully discharged.

The commissioners court shall designate said school districts by numbers; provided, that all school districts in this State heretofore laid out and attempted to be established by the proper officers of any county, and heretofore recognized by said county authorities as school districts of said county, are hereby validated in all respects as though they had been duly and legally established in the first instance.

Section 57. The commissioners court of any county in this State shall have power to levy a special tax for the further maintenance of public free schools and the erection within each school district of a schoolhouse or schoolhouses; provided, a majority of the qualified property taxpaying voters of the district voting at an election to be held for the purpose shall vote such tax, not to exceed in any year 50 cents on the \$100 valuation of the property subject to taxation in such district; provided, that all property assessed for school purposes shall be assessed at the rate of value of property as said property is assessed for State and county purposes.

Section 58. Whenever twenty or more, or a majority of the property taxpaying voters of a district, wish to tax themselves for the purpose of supplementing the State school fund appropriated to said district, they shall make application to the county judge, who shall issue an order for an election to be held in said district to determine whether such tax shall be levied. Said application shall designate either the specific rate of tax to be levied, or a rate of tax not exceeding 50 cents on the \$100 valuation of property, and the orders of said judge shall state:

1. When said election shall be held.
2. At what point or points the polls shall be opened.
3. The rate or tax to be voted on; provided, that no election shall be held to determine the levy of a tax exceeding 50 cents on the \$100 valuation of property, but the proposition may be for a specific tax rate within this limit or "for a school tax not exceeding 50 cents on the \$100 valuation of taxable property in the district."

The county judge shall order the sheriff to give notice of such election by posting three notices in the district for three weeks before the election, and the sheriff shall obey such order. Not more than one such election shall be held in the same scholastic year.

Section 59. The county judge shall appoint a presiding officer for each voting place to hold said election, who shall make due return thereof as is required by law for holding a general election, and each person who favors taxation for school purposes shall have written or printed on his ticket, "For School Tax," and each person opposed to such taxation shall have written or printed on his ticket, "Against School Tax." The ballots shall be prepared by the county

judge, and the county shall bear the expense of having them printed.

Section 60. All polls for school district elections shall be opened at 8 o'clock a. m., and shall be closed at 6 o'clock p. m., and none of the officers holding such election shall be entitled to compensation therefor.

Section 61. All persons who are legally qualified voters of this State and of the county of their residence, and who are resident property taxpayers in said district, shall be entitled to vote in such school district election; and if at such election a majority shall vote for the tax, it shall be declared by the commissioners court to have carried in said district and entered upon the records of said court to have been carried, and in all cases the returning officer shall make a full and complete return, as in other elections, to said court within five days after said election is held, and said return shall be opened and counted at the first meeting of said court, and the result declared.

Section 65. If the election be to determine whether the tax shall be increased, each voter favoring the increase of the school tax shall have written or printed on his ballot, "For Increase of School Tax," and each voter opposing such increase shall have written or printed on his ballot, "Against Increase of School Tax," and if a majority of the votes cast be in favor of increasing the tax, it shall be increased.

Section 66. The county commissioners court shall at the time of levying the taxes for county purposes also levy upon such school district the rate of tax said district has voted upon itself, or, if the proposition shall have been for a school tax not exceeding 50 cents on the \$100 valuation of taxable property in the district, the commissioners court shall levy such a rate within that limit as shall have been determined by the board of trustees of said district and the county superintendent and certified by said court by the county superintendent. It shall be the duty of the tax assessor to assess said tax as other taxes are assessed, and to make an abstract showing the amount of special taxes assessed against each school district in his county, and to furnish the same to the county superintendent, on or before the first day of September of the year for which such taxes are assessed; and the taxes levied upon the real property in said districts shall be a lien thereon, and the same shall be sold for unpaid taxes in

the manner and at the time of sales for State and county taxes are assessed and collected. A special tax voted in any district after the levy of county taxes shall be levied at any meeting of the commissioners court prior to the delivery of the assessment rolls by the assessor. The tax assessor shall assess, and the tax collector shall collect said district taxes as other taxes. The tax assessor shall receive a commission of one-half of 1 per cent for assessing such tax, and the tax collector a commission of one-half of 1 per cent for collecting the same. The tax collector shall pay all such taxes to the county treasurer, and said treasurer shall credit each school district with the amount belonging to it, and pay out the same in accordance with the law.

Section 76. When twenty or more, or a majority of the qualified taxpaying voters of a school district shall petition the county judge, he shall order an election in the school district from which the petition came, to determine whether or not a majority of the legally qualified property taxpaying voters of that district desire the issuance of bonds as indicated in the petition and the annual levy of a tax sufficient to pay the current interest on said bonds and provide a sinking fund sufficient to pay the principal at maturity. Said election shall be ordered held, and the returns counted and published as in other school elections in accordance with the laws of this State, and it shall not be necessary to vote upon a specific rate of tax, but the rate shall be determined as provided in Section 78 of this act.

Sec. 77. If, after the results of said election are known, it shall appear that a majority of the votes therein have been cast in favor of the issuing of school house bonds, the commissioners court of the county in which said school district is located shall issue said bonds on the faith and credit of said school district, which bonds shall bear not more than 5 per cent interest per annum, and shall run not more than forty years; provided, that when the houses are to be built of wood the time of the bonds herein provided for shall not be more than twenty years. The said bonds shall be examined by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas. They shall be sold to the highest bidder and the purchase money shall be placed in the county treasury to the credit of said school district, and the

money shall be disbursed upon warrants issued by the trustees of said district, approved by the county superintendent, in payment of accounts legally contracted in buying, building, equipping or repairing the school house or school houses for such district, or in the purchase of sites therefor; provided, that the commissioners court may invest the county permanent school fund in such school district school house bonds, and the State Board of Education shall have the right to purchase such bonds on the same conditions as it may purchase other bonds.

Sec. 78. When the commissioners court shall provide for the issuance of such bonds, and each year thereafter so long as the bonds or any of them are outstanding, said court shall levy a tax not to exceed twenty-five cents on the \$100 valuation of taxable property of said school district, sufficient to pay the interest on the bonds and to produce a sinking fund, which, together with the interest thereon when placed at interest, shall be sufficient to pay the principal of said bonds at maturity. The rate of such tax shall be determined by the trustees of the district, and the county superintendent and certified by the county superintendent to the commissioners court; provided, that the rate of the bond tax, together with the rate of special local tax of the district for the maintenance of schools therein shall never exceed fifty cents on the \$100 valuation of taxable property of said school district, but if the rate of bond tax certified by the county superintendent to the commissioners court, together with the rate of maintenance tax previously voted in the district shall at any time exceed fifty cents on the \$100, such bond tax shall operate to reduce the maintenance tax to the difference between the rate of the bond tax and fifty cents. Said school bond tax shall be assessed and collected in the manner provided by law for the assessment and collection of the special local tax for the maintenance of public free schools; provided, that the rate of school tax certified to the commissioners court by the county superintendent shall be the rate to be levied by the commissioners court in the school district until a change in such rate shall be recommended by the county superintendent and board of trustees of the district within the limits prescribed by law.

Sec. 80. Whenever the county judge in any county in the State of Texas shall have found it lawful and neces-

sary to order an election for school house bonds, as provided herein, said county judge shall prepare proper ballots for use in said school district election, and the county shall bear the expense of having such ballots printed, and each person who favors the issuance of bonds and the levy of a tax therefor shall have written or printed on his ballot, "For the Bonds," and each person opposed to such taxation shall have written or printed on his ballot, "Against the Bonds."

Sec. 81. The said school district school house bonds shall express on their face the State of Texas, the name of the county, and the number or corporation name of the district issuing said bonds; provided, that the bonds shall not run more than forty years and shall bear not more than 5 per cent interest per annum, and shall never be sold below par. It shall be the duty of the State Superintendent of Public Instruction to prepare as many as three sets of plans for public school buildings, the said plans being designed to meet the needs of rural schools of various sizes, and upon request of the trustees of any school district shall furnish copies of such plans and specifications.

Sec. 154. Trustees of incorporated districts that have been or may hereafter be incorporated under general or special laws for school purposes only, shall have power to levy and collect an annual ad valorem tax not to exceed 50 cents on the \$100 valuation of taxable property of the district for the maintenance of schools therein and a tax not to exceed 25 cents on the \$100 for the purchase of sites and purchasing, constructing, repairing or equipping public free school buildings within the limits of such incorporated districts, provided that the amount of maintenance tax, together with the amount of bond tax of the district, shall never exceed 50 cents on the \$100 valuation of taxable property. Said trustees shall have power to issue coupon bonds of the district for building purposes to be made payable not exceeding forty years from date, in such sums as they shall deem expedient, to bear interest not to exceed 5 per cent per annum; provided, that when such buildings are to be wooden, the bonds herein provided for shall not run for a longer period than twenty years; provided, that the aggregate amount of bonds issued for the above-named purpose shall never reach such an amount that the tax of 25 cents on the \$100

valuation of property in the district will not pay current interest and provide a sinking fund sufficient to pay the principal at maturity, and provided further, that no such tax shall be levied and no bonds issued until after an election shall have been held wherein a majority of the taxpaying voters voting at said election shall have voted in favor of the levying of said tax of the issuance of said bonds, or both, as the case may be; provided, that the specific rate of tax need not be determined in the election.

Sec. 154a. All school districts heretofore provided for by special act of the Legislature are hereby placed under the general laws relating to incorporated school districts, and all provisions of any and all such special acts in conflict with the general laws are hereby specifically repealed, except in so far as those acts relate to the boundaries established by the acts incorporating such districts. All incorporated districts having each fewer than 150 scholastics according to the latest census shall be governed in the administration of their schools by the laws which apply to common school districts and all funds of such districts shall be kept in the county treasury and paid out on order of the trustees approved by the county superintendent; provided, that the terms county treasurer and county treasury as used in all provisions of law relating to school funds shall hereafter be construed to mean the county depository, and incorporated districts of more than 150 scholastics, whether they be cities which have assumed control of the schools within their limits or corporations for school purposes only, the treasurer of the school fund shall be that person or corporation who offers satisfactory bond as provided by law and the best bid of interest on the average daily balances for the privilege of acting as such treasurer, and the State Department of Education shall be notified of the treasurers of the school funds in the respective counties and independent districts by the commissioners courts and presidents of school boards filing in said department copies of the bonds of said depositories to cover school funds; provided, that no commission shall hereafter be paid for receiving and disbursing school funds.

Sec. 2. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 3. The fact that there is now no law granting school districts the taxing powers provided by the Constitution, and the deplorable condition of the

schools by reason of the inability of the districts to levy taxes for the maintenance of schools and the building of school houses, create an emergency and an imperative public necessity which demand that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

PETITIONS AND MEMORIALS.

By Senator Terrell of McLennan:

A petition from A. D. Porter and eighteen other citizens of Waco, McLennan county, Texas, favoring the passage of the Mayfield-Meachum bill, prohibiting pool selling, book making and wagering on horse races.

Senator Mayfield offered the following petition, numerous signed, by citizens of Clifton and Temple:

We, the undersigned, business men, taxpayers and citizens of the city of Clifton and Temple, Texas, respectfully urge that you use all honorable means in your power to secure such an amendment to the anti-pass law as will permit duly elected delegates of our State Firemen's Association, the use of free transportation to and from our annual convention. We not only urge that you vote for this measure when presented, but fight for its adoption even though our Governor may veto it.

By Senator Bryan:

Lamesa, Texas, February 13, 1909.

To Honorable W. J. Bryan, State Senator, and Honorable W. B. Crockett, Representative, Austin, Texas.

Dear Sirs: We, the undersigned, farmers and taxpayers of Dawson county, Texas, respectfully ask you to vote and use your influence against the passage of Senate bill No. 9. This bill not only imposes a prohibitive license fee, but is intended to give certain interests behind it a monopoly on the sale of medicines. It is against the farmers and taxpayers' interests.

We would represent to you that for years we have been buying our medicines from men who called upon us regularly with wagons, and we get better values and terms from them; we like the goods they sell better, and we believe that we have a right to buy from whom we please. We believe that the wagon men should pay a license of \$50 or \$60 a year, as a revenue meas-

ure, but as their line of goods is smaller and have other taxes to pay, their license, to be fair and equitable, should not be any more than the average business man has to pay.

We therefore ask you to consider our interests and act accordingly.

Numerously signed.

My Senator Terrell of McLennan:

State of Texas, county of McLennan.

To the Hon. H. B. Terrell, member of the Senate of the State of Texas:

We, the undersigned, members of the Modern Woodmen of America, Camp No. 12069, McGregor, Texas, respectfully petition you that you use your influence in opposition to the bill now pending before the House of Representatives, which requires all fraternal organizations to pay the same rate and to make the same number of assessments per year.

We ask this inasmuch as our present assessments are much smaller and less frequent, and have been for the last twenty-six years, than any other fraternal organization fostering this measure, and at the same time our income has been amply sufficient to support the organization and to pay all legal obligations.

Numerously signed.

By Senator Adams:

Brady, Texas, February 15, 1909.

To Hon. W. N. Adams, State Senator:

We, your friends, and citizens of McCulloch county, ask your favorable consideration of Senate bill No. 27, introduced by Senator Brachfield, now pending in the Senate. We should like to see said bill passed and made a law.

Numerously signed.

By Senator Perkins:

McKinney, Texas, February 15, 1909.

Tom W. Perkins, Senator, and Hon. T. J. Bowles and C. M. Spradley, Representatives, Austin, Texas.

We, the undersigned citizens, taxpayers and voters of Collin county, Texas, do hereby respectfully urge upon you the importance of securing an agricultural college, a branch of the Agricultural and Mechanical College, for the black land belt of Texas, to be located in Collin county. This section of the State is badly in need of this kind of a school and, within a radius of fifty miles we have a population of two hundred and fifty thousand accessible to same. Collin county offers a site of

two hundred or more acres of land, the finest land to be found in Texas, and an extraordinary liberal cash donation for the erection of this kind of a college. We also offer unrivaled facilities for transportation, pure artesian water, a healthy county and a citizenship second to none in our great imperial State. We are absolutely in need of this kind of a college that our boys can be given an opportunity to further qualify themselves for their future lives.

We especially urge that you work for this measure, and we will promise the Legislature, if granted, to back up such an institution, giving it our entire endorsement and support.

W. B. Carnes, E. L. Burton, J. L. White, Howell E. Smith, S. L. Rieves, E. W. Kirkpatrick, Tuck Hill, T. C. Goodner, Walter B. Wilson, F. C. Thompson, J. P. Crouch and 4531 others.

By Senator Mayfield:

Whereas, Article 633 of the Penal Code of Texas fixes the age of consent at fifteen years; and

Whereas, Said law is inadequate, as the age of consent is too young,

Therefore, We, the undersigned citizens of the State of Texas, hereby petition the ensuing Legislature to change the present law.

That said Article 633 of the Penal Code be so amended as to raise the age of consent from fifteen to eighteen years.

Numerously signed.

By Senator Stokes:

Hon. C. C. Stokes, Austin, Texas:

As citizens in a free country and enjoying its characteristic privileges, and this being our only immediate means of expressing our wishes to you, we undersign our names in protest against certain bills now in the Legislature, viz., Senate bills Nos. 9 and 19 and House bills Nos. 93 and 97. We call your attention particularly to Senate bill No. 9, which proposes levying an excessive annual tax of \$1200 on one of our most needed conveniences—the itinerant medicine vender.

These men inform us they are already paying \$150 per annum, a sum which we deem excessive, to say the least.

Instead of passing Senate bill No. 9, we request that you introduce a bill reducing their tax from \$150 to \$75 per year.

If you sanction the will of the people you will comply with this petition.
Numerously signed.

Palestine, Texas, February 13, 1909.

Hon. Carl Stokes, Austin, Texas.

Dear Sir: We, the undersigned citizens of Palestine Texas, would most respectfully petition you to use your influence and vote against the anti-racing bill now before your honorable body. We are not opposed, but heartily in accord with the measure proposed allowing fifteen days' meeting in each county fair, allowing Paris mutuels or auction pools, or both, on the track on the days of the regular meetings. We believe to prohibit all betting on races will greatly injure or entirely kill every fair association in the State of Texas and be of incalculable injury to the horse breeding industry of the State, and thus we will ever pray.

Numerously signed.

By Senator Veale:

Plainview, Texas, February 9, 1909.

We, the undersigned, farmers and taxpayers of Hale county, hereby protest against the passage of Texas Senate bill No. 11, House bill No. 97, House bill No. 93, Senate bill No. 19, and particularly against the passage of Senate bill No. 9, which provides for an unjust, unreasonable and prohibitive license for itinerant venders of medicines.

As free American citizens we wish to be able to purchase goods wherever we please, which would be impossible if this bill were passed. We consider that a license for itinerant venders of medicines, etc., should not exceed \$75 per annum in each county, and should be payable to the road and bridge funds in the county where the business is transacted.

Numerously signed.

By Senator Murray:

Port Lavaca, Texas, Feb. 15, 1909.

We, the undersigned, do hereby petition you to vote favoring the enactment of a bill, which will be presented in the Thirty-first Legislature, asking that body to submit to a vote of the people at the next regular election the question of a constitutional amendment, allowing any person holding a just and legal claim against another, to garnishee as much as 10 to 25 per cent of any wages or salary that may be due to such debtor by another, to be applied to payment of such claim. This is not

intended to work undue hardship on any one indebted, but it is hoped that such a law will have a tendency to educate those contracting debts in Texas to more economic habits and to have a greater regard for truth, honor and fidelity to their fellow man.

Under our present laws the very nature and construction of which show an unmistakable tendency to shield the "dead beat" and encourage them in defeating payment of their honest debts, one may lend to another his time, knowledge and merchandise, either for profit or without compensation, means with which to shelter, clothe and feed his family, and has no power in any court of Texas by which he can collect for same, where those so accommodated refuse to pay. Through the operation of these laws, which are the very essence of the basest class legislation, many a fortune has been lost and many a business man censured for failures for which these laws alone are responsible.

Therefore, we petition you not to create a law favoring one class as against another class, but to give us laws of equity between man and man. Laws that will reward honesty rather than encourage rascality; in other words, a "square deal for all and special privileges for no one."

Numerously signed.

By Senator Veale:

We, the undersigned, business men, taxpayers and citizens of the city of Amarillo, Texas, respectfully urge that you use all honorable means in your power to secure such an amendment to the anti-pass law as will permit duly elected delegates of our State Firemen's Association the use of free transportation to and from our annual conventions. We not only urge that you vote for this measure when presented, but fight for its adoption even though our Governor may veto it.

Numerously signed.

By Senator Bryan:

To the Legislature of the State of Texas:

We, the undersigned, citizens of Midland and Upton counties, Texas, who are not members of the Cattle Raisers' Association of Texas, but who are cattle raisers, hereby remonstrate against exempting said counties from the operation of the hide and animal inspection laws of the State of Texas.

Numerously signed.

TWENTY-EIGHTH DAY.

Senate Chamber,
Austin, Texas,

Thursday, February 18, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum present, the following Senators answering to their names:

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Murray.	Willacy.
Paulus.	

Absent.

Harper. Meachum.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

BILLS AND RESOLUTIONS.

By Senator Adams:

Senate bill No. 239, A bill to be entitled "An Act to confer upon the county court of Concho county the civil and criminal jurisdiction belonging to said court under the Constitution and general statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to said change; to fix the time of holding court, and to repeal all laws in conflict with this act, and declaring an emergency."

Read first time, and referred to Committee on Judicial Districts.

By Senator Mayfield:

Senate bill No. 240, A bill to be entitled "An Act defining what shall be a full crew on passenger trains, run by railroad companies or receivers of railroad companies, doing business in this State; what shall be a full crew on freight, gravel or construction trains, run by such railroad companies or receivers,